



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
25 FUNSTON ROAD
KANSAS CITY, KANSAS 66115

June 3, 1986

MEMORANDUM

SUBJECT: Martha Rose Chemical, Holden, Missouri - Update

FROM: George Hess GKH
FIRE/EP&R/ENSV

TO: Charles P. Hensley
Chief, EP&R/ENSV

On May 22, 1986, Loren Stafford, TAT, and I personally issued the attached 311 Notice Letters to Walter C. Carolan, Rose Chemical, and to the Office of ETI. Attached are the original receipts signed by Walter Carolan and ETI.

On May 23, 1986, Wood Ramsey, TAT, accompanied me to monitor the progress of the cleanup. When we arrived at the site at 1145 hours, it appeared the cleanup had not progressed much since my previous site visit on May 21, 1986. Oil was still visible in the creek below the storm sewer outfall.

A total of nineteen 55-gallon drums were filled with contaminated debris from the creek. The clean-up crew had pumped out two of the three compartments from the tanker which had caused the spill. The oil was being pumped to a steel tank in the main building. I questioned the ETI foreman on site, Gary Sondersted, as to whether they had received the 311 Notice Letter the previous day. Mr. Sondersted then proceeded to his office to call Don Seymour, ETI, when he returned he indicated Mr. Seymour had just gotten the letter. I explained the purpose of the letter and that the EPA was ready to issue a notice that the clean-up action by ETI, American Steel, Rose Chemical and Walter Carolan was improper and EPA would take over the cleanup under Section 311 of the Clean Water Act.

At 1300 hours, I talked with Phillip E. Badame, president of ETI, who indicated that in no way was ETI liable for the spill or cleanup. However, he agreed to expedite the cleanup and assist in any way possible. Mr. Badame authorized Mr. Sondersted to purchase the necessary equipment and indicated more personnel will be on site on May 27, 1986. Mr. Badame indicated he could be reached for further assistance at ETI's 24-hour phone number (716) 693-7700 or his home number (716) 691-1118.

Prior to leaving, I went over the following spill cleanup outline with Mr. Sondersted:



40026975
SUPERFUND RECORDS

1. Remove oil from surface of the creek.

Excavate any soil with visible oil residue, with a minimum clean-up level of 2 ppm for PCB.

2. Continue offloading the oil in the tanker which caused the leak to a tank compatible with the oil.
3. Excavate contaminated soil around the storm sewer manhole (where the contaminated oil entered the storm sewer).
4. Clean the storm sewer line to remove the remaining oil.

I returned to the site on May 24, 1986, to monitor the cleanup. Pat Perrin was on site to supervise for American Steel Works. The cleanup was well underway when I arrived at 1100 hours. Oil was being removed with absorbent pads on the creek. ETI and American Steel had constructed some fences across the creek in the event of rain to catch the floating absorbent pads. I again went over the clean-up scenario with both Mr. Perrin and Mr. Sondersted. We agreed on the previously mentioned four points and agreed on the additional following items:

1. After the oil in the creek is cleaned up, pump out the tank farm pond (dock tank primary berm) and remove contaminated soil. A local contractor, John Hancock Construction, will do excavation on May 27, or May 28, 1986.
2. Clean oil out of the ditch and pond from intercepted storm sewer. Mr. Perrin indicated the storm sewer only drains the facility and will permanently be routed to the collection pond at the southwest corner of the property. He further stated it was not connected to the city system but collected surface water from the ditch along McKissock Street until the drainageway was constructed after the spill the previous week.

Mr. Sondersted indicated a bobcat should be on site Tuesday to handle drums and assist in the excavation of contaminated sediment from the creek. ETI and American Steel will sample the creek after the cleanup is completed and EPA will take some samples along the creek to confirm that the cleanup is complete and acceptable.

The TAT will continue to monitor the remainder of the cleanup. It appears the cleanup has made considerable progress since the May 23, 1986, site visit.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

May 22, 1986

Walter C. Carolan, President
Martha C. Rose Chemical Co. Inc.
American Steel Works Inc.
W. C. Carolan Co. Inc.
Dust Suppression Systems Inc.
2459 Charlotte St.
Kansas City, Mo. 64108

Gentlemen:

This is to inform you that a pollution incident has occurred at the Martha C. Rose Chemical Co., Holden, Missouri, on May 12-16, 1986, for which you may be financially responsible. Under federal statutes, the United States Government has an interest in this incident and may take appropriate action to minimize damages which are threatened or may be caused by this incident.

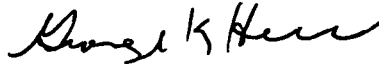
The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Clean Water Act, as amended. Under this act, the owner or operator of the source may undertake removal action. If he refuses to take adequate removal actions, he may be held financially responsible for action taken by the Federal Government to remove the pollutant and adequately mitigate its effects. Removal is being done properly if it is done in accordance with federal and state statutes and regulations and the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan. If you undertake removal action, the adequacy of such action shall be determined by the federal On-Scene Coordinator. The On-Scene Coordinator for this area is Mr. George Hess.

So long as you are taking adequate actions in this matter, federal action will be limited to monitoring of the progress of your actions and provision of guidance, as necessary.

If it is determined that you are not taking prompt and appropriate action to clean up, contain, and remove the pollutant, federal response may be initiated. You may then be held responsible for actual costs incurred by the Federal Government as set forth in section 311(f) of the Clean Water Act, as amended. Should you require further information concerning this matter, please contact:

Mr. George Hess
U.S. EPA
25 Funston Rd.
Kansas City, KS 66115
Phone: 913-236-3888 or 24 hr. # 913-236-3778

Sincerely,



George Hess
Geologist
Emergency Planning and Response Branch
Environmental Services Division

Received by: 

5/22/86 1522 Hours



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
25 FUNSTON ROAD
KANSAS CITY, KANSAS 66115

May 22, 1986

Steve Kay
Environmental Technology Inc.
660 Penn Tower
3100 Broadway
Kansas City, Missouri 64111

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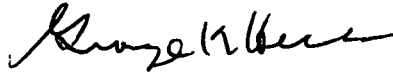
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Mr. George Hess
U.S. EPA
25 Funston Rd.
Kansas City, KS 66115
Phone: 913-236-3888 or 24 hr. # 913-236-3778

Sincerely,



George Hess
Geologist
Emergency Planning & Response Branch
Environmental Services Division

Received by: Barbara Weidhorn 5/22/86 15:35 Hours



84 SWEENEY ST. • NORTH TONAWANDA, NEW YORK 14120 • 716-693-7700

May 19, 1986

Dear Sir:

Enclosed please find a copy of Environmental Technology's proposed plan for remedial activities at the Rose Chemicals Site in Holden, Missouri.

As you can see, ETI is in no way affiliated with Rose Chemicals, Inc., its Officers, Principals, or Employees. ETI has however been successful in negotiating a Management Agreement with Rose Chemicals. At present ETI is on-site and functioning in your behalf at our expense! We recognize the financial risk, but we are confident that once the Generators or Responsible Parties recognize the postitive side of ETI's involvement that our remediation plan will be received also in a positive manner.

For your information, ETI has been on site since May 12, 1986 and has already responded to one spill which was promptly cleaned up, and another which is presently being cleaned up. ETI has already spent considerable time and effort reviewing the internal records of Rose Chemical which have been made available to ETI under the Management Agreement. ETI has already spent considerable time learning the warehousing system (as it exists) with full access to the entire facility which again has been made available under the Management Agreement. ETI is in the process at present of upgrading the surface water runoff treatment system and increasing the capacity of the holding and discharge areas to handle the spring rains. ETI is also presently upgrading the on-site building and equipment decontamination facilities, as well as personnel decontamination facilities already begun by Rose Chemical.

May 19, 1986

Page 2

The Management Agreement between ETI and Rose Chemicals also offers several time and cost advantages to the Generators /Responsible Parties in that, because ETI is already on-site and functioning with a contract, there is no need for any legal action or long drawn out, and costly court action to gain access to the site.

An organized, professional approach is necessary if this project is to proceed in a realistic time frame with any degree of cost efficiency.

If you feel that you would prefer to remove the materials owned by your company you are certainly welcome, however we suggest you come visit the site and speak directly with our personnel and see for yourself the difficulties involved first. Any such removal would have to be scheduled with ETI and be accomplished under ETI's guidelines as prepared for the Rose Chemicals Site.

The U.S. EPA, Missouri DNR and Local Government agencies are totally cognizant of ETI's activities and of this attempt and contact with the Generators/Responsible Parties with regard to ETI's intentions. Another package containing a proposed contractual agreement and a letter from the President of ETI should reach you shortly.

We sincerely hope that the material presented here meets with your approval, and that you will consider the services that ETI is offering under these difficult circumstances. If you have any questions, or if we can be of any further service please don't hesitate to contact ETI at 813-931-7060 or 716-693-7700.

Very truly,

ENVIRONMENTAL TECHNOLOGY, INC.



Steven R. Kay
Vice President Special Services

Enclosure

SK:bw:24,25



84 SWEENEY ST. ■ NORTH TONAWANDA, NEW YORK 14120 ■ 716-693-7700

May 15, 1986

Mr. David Tripp, Region Counsel
United States Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Re: Proposal for remedial activity
Rose Chemical Site - Holden, Missouri

Dear Mr. Tripp:

In keeping with our agreement to provide a detailed site operations plan for the remediation of the Rose Chemical Facility, Environmental Technology is pleased to submit the enclosed for your review and comment.

ETI is anxious to begin actual operation on the project and hope that this plan meets with your approval and endorsement.

Very truly yours,

ENVIRONMENTAL TECHNOLOGY, INC.

Steven R. Kay
Vice President Special Services

Enclosure

SK:bw:4